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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,111	01/17/2002	Joseph A. Schrader	164052.04	3342

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EXAMINER	
SHANG, ANNAN Q	
ART UNIT	**PAPER NUMBER**
2623	

NOTIFICATION DATE	DELIVERY MODE
08/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/052,111	SCHRADER ET AL.	
	Examiner	Art Unit	
	ANNAN Q. SHANG	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5,11-31 and 33-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5,11-31 and 33-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/07/08 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 14-31 and 33-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kouloheris et al (5,915,094)** in view of **Jain et al (6,144,375).**

As to claim 14, **Kouloheris** further discloses a method for creating digital video recording enhancements for a television program comprising the steps of:

(Fig.4, Head end 'HE' or Broadcaster) creating program event log indices marking events in the program, where the program indices are context sensitive with respect to the content of the program and are developed according to one or more rules that apply to a particular type of event captured by the television programming or

according to user defined preferences; Creating one or more control files associated with the program event log indices to facilitate receipt of user input at a client system (figs.1-7, col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+);

(HE or BC) Transmitting the program event log indices and one or more control files to the client to enable the client system (C-2) to perform an intelligent filter based on processing of the program event log indices in response to user input (col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+).

Kouloheris is silent as to where one or more rules requires the program event log indices to be created upon one or more discrete points of interest occurring within the content of the program.

However, **Jain** discloses a method and apparatus for interactively viewing a real-world environment and further teaches creating program event log indices at one or more discrete points of interest occurring within the content of the program (col.5, line 57-col.6, line 13, col.12, lines 29-65, col.13, lines 49-65, col.16, lines 25-47, col.17, line 50-col.18, line 1+ and col.25, line 44-col.26, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Jain into the system of Kouloheris to enable the user to selectively access favorite video events or relevant portions (video) of interest as desired.

As to claims 15-17, Kouloheris further discloses where the program event log indices are created as the program is broadcast, transmitted to the client system in real-time and transmitted after the recording (col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+).

As to claims 18-24, Kouloheris further discloses where the program-specific rules relate to sporting events, football, news events, televised movies, preview programs and infomercials (col.1, lines 16-27 and col.14, line 4-35).

As to claim 25, Kouloheris further discloses were the event log indices are transmitted in a format that enables the client system to define multiple playback modes of operations (col.5, line 13-23 and col.9, line 45-col.10, line 37).

As to claim 26-27, Kouloheris further discloses where the event log indices are formatted in the Extensible Markup Language and transmitted to the client system in a batch mode (col.7, lines 1-5, col.19, line 11-53 and col.20, line 10-col.21, line 1+).

As to claim 28, Kouloheris further discloses where the additional versions of the program log indices are transmitted to the client system in a batch mode (col.7, lines 1-5, col.19, line 11-53 and col.20, line 10-col.21, line 1+).

As to claim 29, Kouloheris further discloses where the event log indices are transmitted in a peer-to-peer networking environment (col.7, lines 1-5, col.19, line 11-53 and col.20, line 10-col.21, line 1+).

As to claim 30, Kouloheris further discloses where one or more control files are used to create a playback application by the client system (col.5, line 16-col.6, line 9,

col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+).

As to claim 31, **Kouloheris** discloses in figures 1-7, disk access method for delivering multimedia and video information on demand over wide area network (WAN) and further discloses "a method for processing video recording enhancements in a client system…" having at least one client system (Client 'C' 2) and one broadcast server (fig.4) coupled to the network environment, where the network environment is a distributed environment capable of delivering broadcast television programming, the computer program product comprising:

A computer usable medium (figs.1, 2, Processor of Client 'C' 2) having computer readable code embodied there for causing the client system (C-2) to receive the television programming and to receive dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, where the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming and where the dynamic content includes control data associating the dynamic content with at least one user interface (figs.1-7, col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+);

Computer readable code for causing the client system to store at least a portion of the television programming as at least one program segment on a storage medium for associating one of the program indices with the at least one program segment to

create event indices that are context sensitive with respect to the content of the television programming; for performing a search for the at least one program segment based on the associated program index; and for causing the client system to display the at least one television program segment (col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+).

Kouloheris is silent as to where one or more rules requires the program event log indices to be created upon one or more discrete points of interest occurring within the content of the program.

However, **Jain** discloses a method and apparatus for interactively viewing a real-world environment and further teaches creating program event log indices at one or more discrete points of interest occurring within the content of the program (col.5, line 57-col.6, line 13, col.12, lines 29-65, col.13, lines 49-65, col.16, lines 25-47, col.17, line 50-col.18, line 1+ and col.25, line 44-col.26, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Jain into the system of Kouloheris to enable the user to selectively access favorite video events or relevant portions (video) of interest as desired.

As to claims 33-35, the claimed “a method for enabling an intelligent skip feature in digital video recording apparatus that is capable of storing one or more programs…” is composed of the same structural elements that were discussed with respect to the rejection of claim 31.

As to claim 36, the claimed "a digital recording device operable to perform an intelligent skip…" is composed of the same structural elements that were discussed with respect to the rejection of claim 31.

As to claim 37, **Kouloheris** further discloses a method for playing back digitally recorded programming in an audio/video entertainment system comprising the steps of:

(Client 'C' 2) Receiving enhanced content including preview information concerning at least one broadcast television program to be recorded, where the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming or according to user defined preferences; associating the enhanced content with the at least one broadcast television program to create index information that is context sensitive with respect to the content of the recorded programming, storing the program and enhanced content and the index information concerning the digitally recorded program (figs.1-7, col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+);

Creating a playback application including functionality for creating an interactive user interface on a video display presenting the interactive user interface of a selector button on a video display, in response to viewer selection of the selector button, causing the entertainment system to automatically locate at least one of the plurality of indices and presenting digitally recorded programming corresponding to the at least one located index (col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+).

Kouloheris is silent as to where one or more rules requires the program event log indices to be created upon one or more discrete points of interest occurring within the content of the program.

However, **Jain** discloses a method and apparatus for interactively viewing a real-world environment and further teaches creating program event log indices at one or more discrete points of interest occurring within the content of the program (col.5, line 57-col.6, line 13, col.12, lines 29-65, col.13, lines 49-65, col.16, lines 25-47, col.17, line 50-col.18, line 1+ and col.25, line 44-col.26, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Jain into the system of Kouloheris to enable the user to selectively access favorite video events or relevant portions (video) of interest as desired.

As to claim 38, Kouloheris further discloses recording broadcast television programming while the interactive user interface is being presented (col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+).

As to claims 39-41, Kouloheris further discloses where the playback application includes, markup language files, graphics files, picture files, scripting files, index files and other data and receiving the index file occur after the programming has been broadcast and receiving index information occur during a broadcast of programming (col.7, lines 1-5, col.19, line 11-53 and col.20, line 10-col.21, line 1+).

As to claim 42, the claimed "A computer program product for use in a network environment having at least one client system and one broadcast server coupled to the network environment…" is composed of the same structural elements that were discussed with respect to the rejection of claim 37.

Claims 43-45 are met as previously discussed with respect to claims 39-41.

4. Claims 5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kouloheris et al (5,915,094)** in view of **Jain et al (6,144,375)** and further in view of **Alexander et al (6,177,931).**

As to claims 5, **Kouloheris** discloses in figures 1-7, disk access method for delivering multimedia and video information on demand over wide area network (WAN) and further discloses a computer product for use in a network environment having at least one client system (Client 'C' 2) and one broadcast server (fig.4) coupled to the network environment, where the network environment is a distributed environment capable of delivering broadcast television programming, the computer program product comprising:

A computer usable medium (figs.1, 2, Processor of Client 'C' 2) having computer readable code embodied there for causing the client system (C-2) to receive the television programming and to receive dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, where the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming and where the dynamic content includes control data associating the

dynamic content with at least one user interface (figs.1-7, col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+);

Computer readable code for causing the client system to store at least a portion of the television programming as at least one program segment on a storage medium for associating one of the program indices with the at least one program segment; for performing a search for the at least one program segment based on the associated program index; and for causing the client system to display the at least one television program segment (col.5, line 16-col.6, line 9, col.9, line 56-col.10, line 50, col.13, line 56-col.14, line 35 and col.16, line 36-col.17, line 1+).

Kouloheris further discloses automatically skipping forward from the end of a first program segment to the beginning of a second program segment in a skip-forward mode of operation and automatically skipping backward from the end of a second program segment to the beginning of a first program segment in a skip-backward mode of operation (col.5, lines 12-50 and col.10, lines7-50), note that a movie contains different rates, i.e., play rate for normal play of segment "first program segment," and skip-forward or skip-backward mode or rate “second program segment.”

Kouloheris is silent as to where one or more rules requires the program event log indices to be created upon one or more discrete points of interest occurring within the content of the program.

However, **Jain** discloses a method and apparatus for interactively viewing a real-world environment and further teaches creating program event log indices at one or

more discrete points of interest occurring within the content of the program (col.5, line 57-col.6, line 13, col.12, lines 29-65, col.13, lines 49-65, col.16, lines 25-47, col.17, line 50-col.18, line 1+ and col.25, line 44-col.26, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Jain into the system of Kouloheris to enable the user to selectively access favorite video events or relevant portions (video) of interest as desired.

Kouloheris as modified by Jain, is silent as to an event-based indicator, for adjusting the record time of a television program based upon the event-based indicator, extending the record time based on the event-based indicator and for causing the client system to automatically record the televised program based upon the event-based indicator.

However, **Alexander** discloses in figures 1 and 5-10, discloses system and method for displaying and recording control interface with television programs which receives an event-based indicator and adjusts the record time of a television program based upon the event-based indicator, extending the record time based on the event-based indicator and for causing the client system to automatically record the televised program based upon the event-based indicator (col.11, line 64-col.12, line 9)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Alexander into the system of Kouloheris as modified by Jain to adjust the recording device with the received updated information to properly record the completed TV program without any cut-off

Claim 11 is met as previously discussed with respect to claim 5.

Claim 13 is met as previously discussed with respect to claim 5.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kouloheris et al (5,915,094)** in view of **Jain et al (6,144,375)** and further in view of **Alexander et al (6,177,931)** as applied to claim 5 above, and further in view of **Ellis et al (2002/0054068).**

As to claim 12, Kouloheris as modified by Jain and Alexander, fail to explicitly teach reducing the recording time.

However, Ellis teaches reducing the recording time ([0068-0075], [0077-0080] and [0082-0086]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Kouloheris as modified by Jain and Alexander to reduce the cut-off of other adjacent recordings.

Response to Arguments

6. Applicant's arguments with respect to claims 5, 11-31 and 33-45 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. This office action is non-final.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christopoulos et al (2001/0047517) disclose method and apparatus for intelligent transcoding of multimedia data.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative or access** to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Annan Q. Shang